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*Attorneys at Law*

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August 30, 2013

**VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED**

Bret A. Stone, Esq.  
Paladin Law Group LLP  
21 E. Carrillo Street  
Santa Barbara, California 93101

Re: Notice of Endangerment Addressed to Urethane Plastics, Inc.

Dear Mr. Stone:

Preformed Line Products Company ("PLP") is in receipt of a "Notice of Endangerment Pursuant to Section 7002(b)(2)(A) of the Resource Conservation and Recovery Act, 42 U.S.C. Section 6928(b)(2)(A)" addressed to Urethane Plastics, dated June 5, 2013 but not mailed out until July 1, 2013, regarding the Omega Chemical Corporation and Angeles Chemical Company, Inc. sites. PLP has referred the "Notice of Endangerment" to this firm for review and response.

Urethane Plastics, Inc. ("UPI") was formerly a subsidiary of PLP. However, in 1994, certain assets of UPI were sold to a third party and others were transferred to a PLP facility. On October 24, 1994, UPI filed a Certificate of Dissolution with the Ohio Secretary of State that dissolved the company, effective as of that date (*see* Attachment A); the Ohio Secretary of State considers UPI to be a "dead" company (*see* Attachment B). Because UPI long ago ceased to exist, Angeles Chemical Company, Inc. and John Locke (collectively, "Angeles Chemical") may not maintain any claims against it.

Without admitting that an action related to Omega Chemical Corporation or Angeles Chemical may be prosecuted against UPI or that UPI or PLP would otherwise have any liability related to the alleged disposal of waste by UPI at the Omega Chemical Corporation site (both of which PLP expressly denies), Angeles Chemical is also not entitled to any relief under RCRA for the following reasons:

- Angeles Chemical's "Notice of Endangerment" contains nothing more than a brief overview of the activities allegedly conducted at the Omega Chemical Corporation facility, a list of the contaminants claimed to have been found in soil and ground water at Operable Unit 2 ("OU-2") of the Omega Chemical property and alleged treatment and disposal of waste at Omega Chemical. Vague, general allegations regarding releases of

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hazardous substances purportedly related to industrial operations and waste disposal do not satisfy the RCRA citizen suit notice requirements.

- Similarly, conclusory allegations of “property damage” and “appreciable harm to the groundwater at OU-2” fall well short of meeting the RCRA notice requirements. Other than parroting the statutory terminology, the statements in the “Notice of Endangerment” fail to substantiate in any way that conditions at OU-2 may present an imminent and substantial endangerment to human health or the environment.
- Angeles Chemical also utterly fails to provide evidence to support a finding of imminent and substantial endangerment at the Angeles Chemical facility. Specifically, the “Notice of Endangerment” provides no evidence of the specific types and levels of contaminants alleged to be present at the Angeles Chemical facility or what specific contaminants UPI is claimed to have contributed to any increased levels at the property. “Suffice it to say” is not sufficient to demonstrate that any waste that UPI allegedly sent to the Omega Chemical facility contributed to conditions that would entitle Angeles Chemical to maintain a citizen suit under RCRA.
- U.S. EPA is currently conducting response activities with respect to Omega Chemical - OU-2. Given that U.S. EPA has incurred costs to perform a Remedial Investigation/ Feasibility Study, completed in July 2010, issued an Interim Record of Decision with respect to OU-2, dated September 20, 2011, and intends to conduct further investigations and propose additional remedial actions for OU-2 ground water, a RCRA citizen suit is barred under RCRA § 7002(b)(2)(B)(iii), 42 U.S.C. § 6972(b)(2)(B)(iii).
- Angeles Chemical’s demand for injunctive relief to compel clean-up at OU-2 or the Angeles Chemical property constitutes a contemporaneous challenge to U.S. EPA’s pending remedial action with respect to OU-2. Accordingly, any action by Angeles Chemical which seeks to address releases of hazardous substances at OU-2 or the Angeles Chemical property, whether brought under CERCLA or RCRA, would be jurisdictionally barred pursuant to CERCLA § 113(h), 42 U.S.C. § 9613(h).
- To the extent that the “Notice of Endangerment” demands recovery of past clean-up costs, PLP rejects any such demand pursuant to *Meghrig v. KFC Western Inc.*, 516 U.S. 479 (1996).

Urethane Plastics, Inc. no longer exists. Moreover, because Angeles Chemical has provided no evidence to support a claim that conditions at OU-2 or the Angeles Chemical facility constitute “an imminent and substantial endangerment to health or the environment” beyond conclusory allegations regarding contamination,” the “Notice of Endangerment” fails to satisfy the RCRA requirements for instituting a citizen suit. Accordingly, there is no basis for Angeles Chemical’s

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demand that UPI (or PLP, for that matter) take remedial action at OU-2 or the Angeles Chemical property.

Very truly yours,



Susan R. Strom

Attachments  
cc (w/attachments):

Ms. Gina McCarthy  
Administrator  
U.S. EPA  
Ariel Rios Building  
1200 Pennsylvania Avenue, N. W.  
Mail Code: 1101A  
Washington, DC 20460

Mr. Jared Blumenfeld  
Regional Administrator  
U.S. EPA- Region 9  
75 Hawthorne Street  
Mail Code: ORA-1  
San Francisco, CA 94105

Mr. Matt Rodriguez  
Secretary for Environmental Protection  
California Environmental Protection  
Agency  
1001 I Street  
P.O. Box 2815  
Sacramento, CA 95812-2815

OHIO SECRETARY OF STATE  
PROCESSING STATEMENT  
10/26/94

CHARTER NUMBER: 690833  
ROLL AND FRAME: 4263-1508

04263-1508

CORPORATION:

URETHANE PLASTICS, INC.

DOCUMENT NUMBER

CODE

FEE

94101721101

DIS

35.00

94101721101

MIS

10.00

AGS

NO FEE

038277

RETURN TO: BAKER & HOSTETLER  
ATTN M REFICE  
65 E STATE ST STE 2100  
COLUMBUS OH 43215

TOTAL : 45.00

0505

ATTACHMENT A

04263-1509



# The State of Ohio

**Bob Taft**

Secretary of State

690833

## Certificate

It is hereby certified that the Secretary of State of Ohio has custody of the Records of Incorporation and Miscellaneous

Filings; that said records show the filing and recording of: DIS MIS AGS

of:

URETHANE PLASTICS, INC.

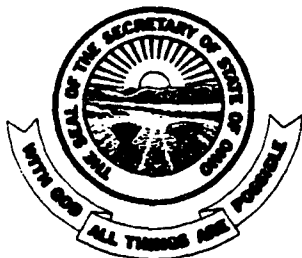
United States of America  
State of Ohio  
Office of the Secretary of State

Recorded on Roll 4263 at Frame 1510 of  
the Records of Incorporation and Miscellaneous Filings.

Witness my hand and the seal of the Secretary of State at

Columbus, Ohio, this 24TH day of OCT

A.D. 19 94 .



*Bob Taft*  
**Bob Taft**  
Secretary of State

Prescribed by  
Bob Taft, Secretary of State  
30 East Broad Street, 14th Floor  
Columbus, Ohio 43268-0418  
Form C-112 (October 1992)

04263-1510

Charter No.	690833
Approved	[Signature]
Date	10-21-94
Fee	\$35.00

SEAL

# **CERTIFICATE OF DISSOLUTION BY SHAREHOLDERS OF**

**FIRST:** URETHANE PLASTICS, INC.  
(Exact Name of Corporation)

690833

(Charter Number)

John J. Herda, who is ☐ Chairman of the Board  
(Name) ☒ President (Check One)  
☐ Vice President

and Jerome P. Grisko, who is ☒ Secretary (Check One)  
(Name) ☐ Assistant Secretary

of the above named Ohio corporation, articles of incorporation of which were filed in the office of the Secretary of State on the 2nd day of December, 1986 do hereby certify that:

**SECOND:** The place where its principal office in Ohio is or is to be located is

Cleveland

Cuyahoga

Ohio

(City, Village, or Township)

(County)

**THIRD:** The names and complete street addresses of the DIRECTORS are:  
(A P.O. Box address cannot be accepted.)

NAME	STREET	CITY & STATE	ZIP CODE
John J. Herda	28484 Stonegate Circle	Westlake, OH	44145

RECEIVED

OCT 24 1994

**FOURTH:** The names and complete street addresses of the OFFICERS are:  
(A P.O. Box address cannot be accepted.)

NAME	STREET	CITY & STATE	ZIP CODE
John J. Herda	28484 Stonegate Circle	Westlake, OH	44145
Jerome P. Grisko	6981 N. Renwood Drive	Independence, OH	44131

04263-1511

FIFTH: The name and Ohio address of the statutory agent is:

A.G.C. Co.	1900 East 9th Street, Ste. 3200
(Name)	(Street Address)
Cleveland, OH	44114
(City, Village or Township)	(Zip Code)

(A P.O. Box address cannot be accepted.)

NOTE: If the statutory agent listed in item "FIFTH" has changed or differs from the agent currently appearing on the corporate records in the Secretary of State's office, the named agent must acknowledge and accept the appointment as statutory agent.

## ACCEPTANCE OF APPOINTMENT

The undersigned, A.G.C. Co., named herein as the statutory agent for the corporation named herein, hereby acknowledges and accepts the appointment as statutory agent for said corporation.

A.G.C. Co.  
By: J. A. Wolk VICE PRESIDENT  
 Signature of Statutory Agent

SIXTH: The undersigned have been authorized to execute and file this certificate by a resolution adopted ~~at a special meeting of the shareholders of said corporation on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at which time the following resolution was adopted: "Resolved, that the undersigned be authorized to execute and file this certificate on behalf of the corporation, and to do all such acts and things as may be necessary to carry out the purposes of this resolution."~~ ~~by the vote cast in person or by proxy by the holders of \_\_\_\_\_ percent of the total number of shares outstanding as of the date of the meeting.~~ (in a writing signed under provisions of Section 1701.54 of the Revised Code by all of the shareholders who would be entitled to a notice of a meeting held for such purpose) declaring that the corporation elects to wind up its affairs and dissolve). ~~Such phrase is applicable.~~

IN WITNESS WHEREOF, the above named officers acting for and on behalf of the corporation have hereunto subscribed their names this 11-1 day of October, 1994.

By John A. Herda  
 (Chairman, President or Vice President)  
 John A. Herda, President  
 By Jerome P. Grisko  
 (Secretary or Assistant Secretary)  
 Jerome P. Grisko, Secretary

NOTE: One person may not sign this certificate in two corporate capacities unless evidence is presented by affidavit that the corporation is closely held under the provisions of Section 1701.591 of the Revised Code of Ohio, or unless the articles of incorporation include such provision.

04263-1512

Prescribed by: Bob Taft  
Secretary of State of Ohio  
C-113 (January 1991)

## AFFIDAVIT OF PERSONAL PROPERTY

STATE OF OHIO

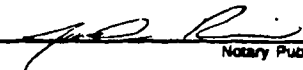
:SS

COUNTY OF CUYAHOGA

John J. Herda, being first duly sworn,  
deposes and says that ~~she~~ he is president, ~~vice president, secretary or treasurer~~ (strike  
~~out words not applicable~~) of URETHANE PLASTICS, INC.;  
that this affidavit is made in compliance with section 1701.86, 1702.42, and 1703.07 (strike  
~~out sections not applicable~~) of the Ohio Revised Code; That said corporation ~~has per-~~  
~~sonal property only in~~ XXXXXX County(ies);  
~~or~~ has no personal property in any county in the State of Ohio (strike out phrase not  
~~applicable~~); and that the net assets of said corporation are sufficient to pay all personal  
property taxes accrued to date.

  
\_\_\_\_\_  
John J. Herda, President

Sworn to me and subscribed in my presence this 18th day of October, 1991.

  
\_\_\_\_\_  
Notary Public

Commission expires 3/23/99

SEAL

JEANETTE PEPOWSKI  
Notary Public - State of Ohio  
My commission expires March 23, 1999



04263-1513

Prescribed by Bob Taft, Secretary of State  
131A

**AFFIDAVIT**

In lieu of dissolution releases from various governmental authorities  
(§ 1701.86(H)(6) O.R.C.)

URETHANE PLASTICS, INC.  
(Exact Name of Corporation)

The undersigned, being first duly sworn, declares that on the dates indicated below, each of the named state governmental agencies was advised IN WRITING of the scheduled date of filing of the Certificate of Dissolution and was advised IN WRITING of the acknowledgement by the corporation of the applicability of the provisions of Section 1701.95 of the Ohio Revised Code.

**AGENCY****DATE NOTIFIED**

- |  |  |
|--|--|
| 1. Ohio Department of Taxation<br>Dissolution Section<br>Box 2478<br>Columbus, Ohio 43216  | October 11, 1994   |
| 2. Ohio Bureau of Employment Services<br>Status & Liability Section<br>145 S. Front St.<br>Columbus, Ohio 43215                    | October 11, 1994   |
| 3. The treasurer of any County named below:<br><br>Cuyahoga County Treasurer<br><br>1219 Ontario Street<br><br>Cleveland, OH 44113 | October 11, 1994<br><br>_____, 19____<br><br>_____, 19____ |
| 4. Ohio Bureau of Workers' Compensation<br>246 North High Street<br>Columbus, Ohio 43215   | October 11, 1994   |

(Note: This affidavit must be signed by one or more persons executing the certificate of surrender or by an officer of the corporation.)

By John F. Herda

Title President  
660 Beta Drive  
(Complete Street Address)  
Mayfield Village, OH 44143  
City State Zip

Sworn to before me and subscribed in my presence this 18th day of October, 1994.

SEAL

Jeanette Peplowski  
Notary Public  
Commission Expires 3/23/99

JEANETTE PEPOWSKI  
Notary Public - State of Ohio  
My commission expires March 23, 1999

04263-1514

PLEASE RETURN THE ATTACHED DOCUMENTS TO:

Baker & Hostetler  
(Name of Firm or Company)Maria Refice  
(Attention)65 E. State Street, Suite 2100  
(Street Address)Columbus, Ohio 43215  
(City, State and Zip Code)(614) 462 - 4717 (Telephone Number)**CORRESPONDENCE**

[Print this report](#)**Corporation Details**

Corporation Details								
Entity Number	690833							
Business Name	URETHANE PLASTICS, INC.							
Filing Type	CORPORATION FOR PROFIT							
Status	Dead							
Original Filing Date	12/19/1986							
Expiry Date								
Location: CLEVELAND	County: CUYAHOGA	State: OHIO						
Incorporator Information								
JOHN W DORSEY								
Share Information								
	<table border="1"> <thead> <tr> <th>Type</th> <th>Par Value</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>NO PAR COMMON</td> <td>0.00</td> <td>500</td> </tr> </tbody> </table>	Type	Par Value	Total	NO PAR COMMON	0.00	500	
Type	Par Value	Total						
NO PAR COMMON	0.00	500						
Filings								
Filing Type	Date of Filing	Document Number/Image						
DOMESTIC ARTICLES/FOR PROFIT	12/19/1986	G056 1105						
DOMESTIC AGENT SUBSEQUENT APPOINTMENT	03/03/1993	H549 1939						
DOMESTIC CONTINUED EXISTENCE LETTER	09/09/1993	000000134412						
DOMESTIC CONTINUED EXISTENCE	11/08/1993	000000134413						
DOMESTIC/DISSOLUTION	10/24/1994	4263 1508						
MISCELLANEOUS FILING	10/24/1994	4263 1508						
DOMESTIC AGENT SUBSEQUENT APPOINTMENT	10/24/1994	4263 1508						

**ATTACHMENT B**